

E-FILED - 9/8/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD FOSTER,)	No. C 09-2585 RMW (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
M.D. McDONALD,)	
)	
Respondent.)	

Petitioner, a state prisoner proceeding pro se, filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2254 on June 10, 2009. On July 14, 2009, the court denied petitioner's motion for leave to proceed in forma pauperis and dismissed the petition with leave to amend. The court instructed petitioner that the \$5.00 filing fee and amended petition were both due within thirty days. The court also advised petitioner that failure to pay the filing fee or file the amended petition would result in dismissal of this action without prejudice. To date, no response has been received from petitioner.

Accordingly, this case is DISMISSED without prejudice. The clerk shall terminate any pending motions and close the file.

IT IS SO ORDERED.

DATED: 9/4/09


RONALD M. WHYTE
United States District Judge